

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DEBORAH LEWIS,
The Estate of Cawlena English on behalf
of Cawlena English

Plaintiff,

VS.

JUDGE RALPH E. WINKLER,
Hamilton County Probate Division, *et al.*,

Defendants.

Case No. 1:23-cv-340

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

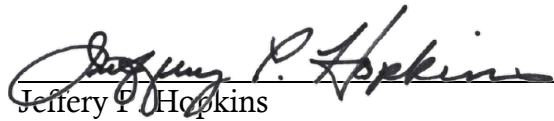
This matter is before the Court on the Report and Recommendation issued by Chief Magistrate Judge Stephanie Bowman on June 20, 2023. Doc. 4. After performing an initial screen of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge recommended that the Court dismiss Plaintiff's Complaint in its entirety for failure to state a claim on which relief may be granted, for lack of subject matter jurisdiction, and because Plaintiff seeks relief against Defendants who are cloaked with absolute immunity from being sued. *Id.* at PageID 29, 36. The Court has reviewed Plaintiff's Complaint and the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has since expired, the Court hereby **ADOPTS** the Report and Recommendation in its entirety.

Accordingly, it is hereby **ORDERED** that the Complaint be **DISMISSED WITH PREJUDICE** for failure to state a claim on which relief may be granted and for lack of subject matter jurisdiction. For the reasons stated in the Report and Recommendation and pursuant

to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would lack an arguable basis in law or in fact and thus would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

January 29, 2025


Jeffery P. Hopkins
United States District Judge